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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/606,422

Applicant(s)

WALKER ET AL.

Examiner

Doug Hutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

Claim 16 is objected to because of the following informalities:

- the claim recites “wherein the preference is defined by a publisher of the software program” in Line 2; this recitation is objectionable because no “software program” is previously mentioned in the claims.

Claim 39 is objected to because of the following informalities:

- the term “to” in Line 2 should be amended to — for — because it appears to be a typographic error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 40-49, 51, 52, 54-83 and 85 are rejected under 35 U.S.C. 102(e) as being anticipated by Merriman et al., U.S. Patent No. 5,948,061.

*Claim 40:*

Merriman discloses a method for cross-referencing content of a first data structure to a computer network resource (see Column 1, Lines 8-11), comprising:

- defining a customized viewpoint for a user that includes a preference for the user, the preference for the user providing an association between a data pattern and a computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention defines a “customized viewpoint” for the user that includes a “preference” providing an “association” between a “data pattern” and a computer network resource in that it includes an advertising server process that determines a set of banner advertising objects based on information that is collected about a particular user; each banner advertising object provides an “association” between the affiliate’s web page and an advertiser’s web site);
- locating the data pattern in the first data structure (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention “locates the data pattern in the first data structure” in that it locates the code that indicates the banner advertising will be inserted into the affiliate web page); and

- generating a second data structure including a link indicating the computer network resource associated with the located data pattern (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention “generates a second data structure including a link indicating the computer network resource associated with the located data pattern” in that it generates a composite of the affiliate web page and the banner advertising; the banner advertising includes a hyperlink having the affiliate web page URL that is associated with the located data pattern).

*Claim 41:*

Merriman discloses the method of Claim 40, wherein the defining step includes selecting the customized viewpoint from among a plurality of viewpoints (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint from among a “plurality of viewpoints” in that the advertising server keeps information about a plurality of users in order to determine which banner advertisements to send to a particular user).

*Claim 42:*

Merriman discloses the method of Claim 41, wherein the selecting step includes selecting the customized viewpoint based upon data that identifies the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint “based upon data that identifies the user” in that the advertising server gathers information about individual users - thus “identifying”

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the individual users - and uses that information to select a particular set of banner advertisements).

*Claim 43:*

Merriman discloses the method of Claim 41, wherein the selecting step includes selecting the customized viewpoint based upon a characteristic of the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint based upon a “characteristic” of the user in that it uses information such as the user’s country, organization type and/or interests to select a user’s “customized viewpoint”).

*Claim 44:*

Merriman discloses the method of Claim 41, wherein the selecting step includes selecting the customized viewpoint based upon a selection by the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint based upon a “selection by the user” in that it uses information such as web pages previously visited by the user to select a user’s “customized viewpoint”).

*Claim 45:*

Merriman discloses the method of Claim 41, wherein the selecting step includes selecting the customized viewpoint based upon data obtained from a cookie file stored on a computer that is being operated by the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the

customized viewpoint based upon a data obtained from a “cookie file” stored on a computer that is being operated by the user as specified in the cited text).

*Claim 46:*

Merriman discloses the method of Claim 40, wherein the user is a member of an organization, and the customized viewpoint is defined by the organization (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention discloses this limitation as indicated in the above rejection for Claim 43).

*Claim 47:*

Merriman discloses the method of Claim 40, wherein the user is a member of a category of users, and the viewpoint is customized for the category of users (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention discloses this limitation in that an “organization” is a “category of users” and the “viewpoint” is “customized” based on information collected by the advertising server process for that particular category of users).

*Claim 48:*

Merriman discloses the method of Claim 40, wherein the viewpoint is defined to include a plurality of preferences, each providing an association between a data pattern and a computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “plurality of preferences, each preference providing an association between a data pattern and a computer network resource” in that it includes a plurality of advertising objects that match

data patterns, each of the advertising objects providing an “association” between the affiliate’s web page and the advertiser’s web site), and the viewpoint is defined by a preference database having a record for each of the preferences (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “viewpoint” that is defined by a preference database having a “record” for each of the preferences, as indicated in the cited text).

*Claim 49:*

Merriman discloses the method of Claim 48, wherein the generating step includes generating the second data structure to include a link indicating the computer network resource associated with each data pattern that is located (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention “generates the second data structure to include a link indicating the computer network resource associated with each data pattern that is located” in that each advertising object that is placed on the affiliate’s web page will include a hyperlink for the advertiser’s web site, which is “associated with” each “data pattern” located on the affiliate’s web page).

*Claim 51:*

Merriman discloses the method of Claim 40, wherein the first data structure is in conformance with a hypertext markup standard (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention includes a “first data structure that is in conformance with a hypertext markup standard” in that it discloses an affiliate web page).



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*Claim 52:*

Merriman discloses the method of Claim 40, wherein the first data structure is selected from a group consisting of a user-displayable text file and a database (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention includes a “first data structure that is selected from a group consisting of a user-displayable text file and a database” in that it discloses an affiliate web page retrieved from a server).

*Claim 54:*

Merriman discloses the method of Claim 40, wherein the defining step includes defining a database including a plurality of preferences, each providing an association between at least one data pattern and a computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the above rejection for Claim 40).

*Claim 55:*

Merriman discloses the method of Claim 40, wherein at least one of the defining, locating and generating steps is performed at a first computer, and at least one of the defining, locating and generating is performed at a second computer (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the cited text).

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*Claim 56:*

Merriman discloses the method of Claim 55, wherein the first and the second computers are in communication via a network (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the cited text).

*Claim 57:*

Merriman discloses the method of Claim 56, wherein the first computer comprises a network server and the second computer comprises a client device (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the cited text).

*Claim 58:*

Merriman discloses the method of Claim 40, wherein the locating step is performed at a first computer, and further comprising presenting the second data structure to the user at a second computer (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements in that it “locates the data pattern” at the advertising server and “presents the second data structure” at the client computer).

*Claim 59:*

Merriman discloses the method of Claim 40, wherein the generating step is performed at a network server, and further comprising presenting the second data structure to the user at a computer system coupled to the network server (see

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Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements in that it “generates the second data structure” at the advertising server and “presents the second data structure” at the client computer).

*Claim 60:*

Merriman discloses the method of Claim 40, further comprising receiving a request to retrieve the first data structure, and retrieving the first data structure from a first computer in response to the request (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements in that it “receives a request to retrieve” from the client user and “retrieves the first data structure” from the advertising server).

*Claim 61:*

Merriman discloses the method of Claim 40, wherein the defining step defines a database including a plurality of preferences, each preference associating a data pattern that may be located in the first data structure with a computer network resource identified by a Uniform Resource Locator (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the above rejection for Claim 40).

*Claim 62:*

Merriman discloses the method of Claim 61, wherein the URL identifies at least one object selected from a group consisting of a Web site, a Web page, an

application, an applet and a script (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element, as indicated in the above rejection for Claim 40).

*Claim 63:*

Merriman discloses the method of Claim 40, wherein the generating step includes inserting into the first data structure a hyperlink associated with a URL of the computer network resource associated with the located data pattern (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the above rejection for Claim 40).

*Claim 64:*

Merriman discloses the method of Claim 63, wherein the inserting step includes inserting the hyperlink at a location within the first data structure based on a location of the located data pattern to generate the second data structure (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements in that the banner advertising hyperlink is inserted at the “located data pattern” to generate the composite of the affiliate web page and the banner advertising).

*Claim 65:*

Merriman discloses the method of Claim 63, wherein the inserting step includes inserting in accordance with a hypertext markup language at least one of text and a graphic associated with the hyperlink (see Column 2, Line 59 through

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Column 9, Line 16 – the referenced invention comprises this element as indicated in the cited text).

*Claim 66:*

Merriman discloses the method of Claim 63, wherein the inserting step includes replacing the located data pattern in the first data structure with the hyperlink to generate the second data structure (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it replaces the located code in the affiliate web page with the banner advertisement to generate the “second data structure”).

*Claim 67:*

Merriman discloses the method of Claim 63, wherein the inserting step includes inserting modified text at a location in the first data structure, the modified text appearing different from text adjacent to the location in the first data structure (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it inserts the banner advertising at a location in the affiliate web page; the banner advertising “appears different” from “text adjacent to the location” in the affiliate web page).

*Claim 68:*

Merriman discloses the method of Claim 67, wherein the modified text appears different from the text substantially adjacent to the location in the first data structure by being selected from a group consisting of underlined text, bold text, text

of a different font, text of a different size and text of a different color (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that banner advertising “appears different” from “substantially adjacent” text on the affiliate web page; the banner advertising appears as underlined text, bold text, text of a different font, text of a different size and/or text of a different color).

*Claim 69:*

Merriman discloses the method of Claim 63, wherein the inserting step further includes inserting an identification of originator into the hypertext link, the identification of originator identifying a party that generated the preference (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that banner advertising indicates the source of that advertising and thus inserts the identification of the party that “generated” the banner advertising).

*Claim 70:*

Merriman discloses the method of Claim 63, wherein the hyperlink is inserted such that the hyperlink appears to the user as an icon (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element as indicated in the cited text).

*Claim 71:*

Merriman discloses the method of Claim 40, further comprising storing, with the association, an identification of a party that generated the association (see

Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that banner advertising indicates the source of that advertising and thus “stores” the identification of the party that “associated” the banner advertising with the affiliate web page).

*Claim 72:*

Merriman discloses the method of Claim 71, wherein the second data structure is in conformance with a hypertext markup language (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element as indicated in the cited text), the link is a hyperlink (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element as indicated in the cited text), and the identification is stored as a tag in the hyperlink (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that the attributes for the banner advertising comprise markup language tags).

*Claim 73:*

Merriman discloses the method of Claim 40, further comprising storing an indication of a total number of times the preference has been accessed (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it counts the number of times various advertisements have been seen by users).

*Claim 74:*

Merriman discloses the method of Claim 40, further comprising storing an indication of a number of times the preference has been accessed since the user last activated a link that was generated using that preference (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it counts the number of times an individual user has seen a particular advertisement).

*Claim 75:*

Merriman discloses the method of Claim 40, further comprising storing a status indicating whether the association provided by the preference is enabled (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it includes start dates and end dates for the preferences; each association is “enabled” if the end date has not yet expired).

*Claim 76:*

Merriman discloses the method of Claim 75, further comprising altering the status when the association has been made a predetermined number of times (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element as indicated in the cited text).

*Claim 77:*

Merriman discloses the method of Claim 75, further comprising altering the status when the link to the computer network resource has been activated to access



the computer network resource a predetermined number of times (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element as indicated in the cited text).

*Claim 78:*

Merriman discloses the method of Claim 75, further comprising receiving an authorization to adjust the status of the association, and altering the status based upon the authorization (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it includes a start date and end date for a banner advertisement; when the end date arrives, it “receives authorization” to change the status of the advertisement).

*Claim 79:*

Merriman discloses the method of Claim 75, further comprising altering the status as a function of time (see Column 2, Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 78, the referenced invention comprises this element).

*Claim 80:*

Merriman discloses the method of Claim 40, further comprising, upon including the link in the second data structure, delivering an indication thereof to a party involved in providing the association (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it discloses

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advertising fees paid to the affiliates for displaying banner advertising on their web sites).

*Claim 81:*

Merriman discloses the method of Claim 80, further comprising causing an exchange of monetary value with the party involved in providing the association, upon delivery of the indication (see Column 2, Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 80, the referenced invention comprises this element).

*Claim 82:*

Merriman discloses the method of Claim 40, further comprising, upon activation of the link included in the second data structure, delivering an indication thereof to a party involved in providing the association (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises this element in that it discloses advertising fees paid to the affiliates for displaying banner advertising on their web sites).

*Claim 83:*

Merriman discloses the method of Claim 82, further comprising causing an exchange of monetary value with the party involved in providing the association, upon delivery of the indication (see Column 2, Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 82, the referenced invention comprises this element).

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*Claim 85:*

Merriman discloses a system for cross-referencing content of a first data structure to a computer network resource, comprising:

- means for defining a customized viewpoint for a user that includes a preference for the user, the preference for the user providing an association between a data pattern and a computer network resource;
- means for locating the data pattern in the first data structure; and
- means for generating a second data structure including a link indicating the computer network resource associated with the located data pattern (see Column 2, Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 40, the referenced invention comprises these elements).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 15-39, 50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman et al., U.S. Patent No. 5,948,061, in view of Rodkin et al., U.S. Patent No. 6,092,074.

*Claim 1:*

Merriman discloses a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 8-11), comprising:

- defining a customized viewpoint for the user that includes a preference for the user, the preference for the user providing an association between a data pattern and a computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention defines a “customized viewpoint” for the user that includes a “preference” providing an “association” between a “data pattern” and a computer network resource in that it includes an advertising server process that determines a set of banner advertising objects based on information that is collected about a particular user; each banner advertising object provides an “association” between the affiliate’s web page and the advertiser’s web site);
- generating a request for content (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention generates a “request for content” in that it generates an HTTP request to get information for an affiliate web site); and
- in response to the request, receiving an electronic file (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention receives an electronic file “in response to the request” in that the affiliate web site sends information back to the client that will allow the user’s browser to display the affiliate’s web page).

Merriman fails to disclose a method, comprising:

- evaluating the electronic file to recognize a match between at least one portion of the electronic file and the data pattern;
- upon recognizing a match, modifying the electronic file to include a link to the computer network resource associated with the matching data pattern; and
- presenting the modified electronic file to the user.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), comprising:

- evaluating an electronic file to recognize a match between at least one portion of the electronic file and a data pattern (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses “evaluating an electronic file to recognize a match between at least one portion of the electronic file and a data pattern” in that it searches a requested web page to find a match for “character strings”);
- upon recognizing a match, modifying the electronic file to include a link to a computer network resource associated with the matching data pattern (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses “modifies the electronic file to include a link to a computer network resource associated with the matching data pattern upon recognition of a match” in that it modifies the requested web page to include an anchor when a match between the web page and the “character strings” is found); and
- presenting the modified electronic file to the user (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses “presents

the modified electronic file to the user" in that the composite of the requested web page and the anchor is displayed on the user's browser), for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server (Column 3, Lines 60-63) and allowing the updating of links without requiring further processing of the computer file (Column 3, Lines 40-42).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include the steps of:

- evaluating the electronic file to recognize a match between at least one portion of the electronic file and the data pattern;
- upon recognizing a match, modifying the electronic file to include a link to the computer network resource associated with the matching data pattern; and
- presenting the modified electronic file to the user,

for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file, as taught by Rodkin.

*Claim 2:*

Merriman discloses a defining step that includes selecting the customized viewpoint from among a plurality of viewpoints (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint from

among a “plurality of viewpoints” in that the advertising server keeps information about a plurality of users in order to determine which banner advertisements to send to a particular user).

*Claim 3:*

Merriman discloses a selecting step that includes selecting the customized viewpoint based upon data that identifies the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint “based upon data that identifies the user” in that the advertising server gathers information about individual users - thus “identifying” the individual users - and uses that information to select a particular set of banner advertisements).

*Claim 4:*

Merriman discloses a selecting step that includes selecting the customized viewpoint based upon a characteristic of the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint based upon a “characteristic” of the user in that it uses information such as the user’s country, organization type and/or interests to select a user’s “customized viewpoint”).

*Claim 5:*

Merriman discloses a selecting step that includes selecting the customized viewpoint based upon a selection by the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint

based upon a "selection by the user" in that it uses information such as web pages previously visited by the user to select a user's "customized viewpoint").

*Claim 6:*

Merriman discloses a selecting step that includes selecting the customized viewpoint based upon data obtained from a cookie file stored on a computer that is being operated by the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention selects the customized viewpoint based upon a data obtained from a "cookie file" stored on a computer that is being operated by the user as specified in the cited text).

*Claim 7:*

Merriman discloses a user that is a member of an organization, and the customized viewpoint is defined by the organization (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention discloses this limitation as indicated in the above rejection for Claim 4).

*Claim 8:*

Merriman discloses a user that is a member of a category of users, and the viewpoint is customized for the category of users (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention discloses this limitation in that an "organization" is a "category of users" and the "viewpoint" is "customized" based on information collected by the advertising server process for that particular category of users).



*Claim 9:*

Merriman discloses a customized viewpoint that is defined to include a second preference for the user providing an association between a second data pattern and a second computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention defines a “customized viewpoint” to include a second “preference” for the user providing an association between a second data pattern and a second computer network resource in that it includes a plurality of advertising objects that can be inserted at a “second data pattern” into the affiliate’s web page, each of the advertising objects providing an “association” to an advertiser’s web site).

*Claim 10:*

Merriman discloses a preference that also provides an association between a second data pattern and the computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “preference” to provide an association between a second data pattern and a second computer network resource in that it includes a plurality of advertising objects that matches an individual user, each of the advertising objects providing an “association” to the advertiser’s web site).

*Claim 11:*

Merriman discloses a data pattern that includes a user-viewable data pattern (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention

comprises a data pattern that includes a “user-viewable” data pattern in that the affiliate’s web pages are “user-viewable”).

*Claim 12:*

Merriman discloses a user-viewable data pattern that is selected from the group consisting of a text pattern and a graphic pattern (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a user-viewable data pattern that is selected from the group consisting of a “text pattern” and a “graphic pattern” in that the affiliate’s web pages comprise text and graphics).

*Claim 15:*

Merriman discloses the method of claim 1, wherein the preference is defined by the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a preference “defined by the user” in that the advertising server process determines the “preferences” based on information that is collected about a particular user, such as the interests of the user and web sites that the user frequently visits).

*Claim 16:*

Merriman discloses the method of claim 1, implemented by a software program, wherein the preference is defined by a publisher of the software program (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a preference “defined by the publisher of the software program” in that the advertising server process is a “software program” and the “publisher,” or the

software programmer, codes the software to determine the “preferences;” thus, the programmer “defines” the “preferences”).

*Claim 17:*

Merriman discloses the method of claim 1, wherein the preference is defined by a third party (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a preference “defined by a third party” in that the management process allows the advertisers to get reports on the placement of the advertisements, which are used to better target advertising at the users).

*Claim 18:*

Merriman discloses the method of claim 1, wherein the preference associates the data pattern with address information for the computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a preference that “associates” the “data pattern” with address information for the computer network resource in that the advertising server process inserts banner advertising that includes a hyperlink into the affiliate’s web pages).

*Claim 19:*

Merriman discloses the method of claim 1, wherein the customized viewpoint further includes information indicative of when the preference will expire (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “customized viewpoint” that includes information “indicative of when the

preference will expire” in that the start dates and end dates are set for the preferences).

*Claim 20:*

Merriman discloses the method of claim 1, wherein the preference has an originator, and the customized viewpoint includes information indicative of the originator (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “preference” that has an “originator” because the “preferences” are created by either a software application, a programmer or an advertiser; the referenced invention comprises a “customized viewpoint” that includes information “indicative of the originator” in that the banner advertising indicates the source of that advertising).

*Claim 21:*

Merriman discloses the method of claim 1, wherein the customized viewpoint further includes information corresponding to a status of the preference (see Column 2, Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 19, the referenced invention comprises a “customized viewpoint” that includes start dates and end dates for the preferences; thus, the referenced invention comprises information corresponding to a “status” of the preference).

*Claim 22:*

Merriman discloses the method of claim 21, wherein the status information is indicative of whether the preference is enabled (see Column 2, Line 59 through

Column 9, Line 16 – as indicated in the above rejection for Claim 19, the referenced invention comprises a “customized viewpoint” that includes start dates and end dates for the preferences; each preference is “enabled” if the end date has not yet expired; thus, the referenced invention comprises information that is “indicative of whether the preference is enabled”).

*Claim 23:*

Merriman discloses the method of claim 1, wherein the customized viewpoint includes information representing a payment amount for use of the preference (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “customized viewpoint” that includes information “representing a payment amount for use of the preference” in that the advertisers pay the affiliates a fee for the “preferences”).

*Claim 24:*

Merriman discloses the method of claim 1, wherein the customized viewpoint includes a plurality of preferences, each providing an association between at least one data pattern and a computer network resource (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises each of these elements, as indicated in the above rejection for Claim 1), and the viewpoint is defined by a preference database having a record for each of the preferences (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a “viewpoint” that is defined by a preference database having a “record” for each of the preferences, as indicated in the cited text).

*Claim 25:*

Merriman discloses the method of claim 1, wherein generating the request is initiated by the user (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a user “generating a request” in that the affiliates include popular web sites; the user “generates a request” by clicking on a hyperlink that directs the user to the affiliate’s web site).

*Claim 26:*

Merriman discloses the method of claim 25, wherein generating the request occurs in response to the user activating a hyperlink embedded in an object presented to the user (see Column 2, Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 25, the referenced invention discloses every element of this claim).

*Claim 27:*

Merriman discloses the method of claim 25, wherein generating the request occurs in response to the user entering address information for the content (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises a user “entering address information” in that the affiliates include popular web sites and the user enters URLs to retrieve the web pages on the browser).

*Claim 28:*

Merriman discloses the method of claim 1, wherein generating the request occurs without being initiated by the user (see Column 2, Line 59 through Column

9, Line 16 – the referenced invention comprises “generating a request without initiation by the user” in that the affiliates include “service providers,” whose web sites automatically come up when a user logs into the Internet service; these affiliate web sites have banner advertising).

*Claim 29:*

Merriman discloses the method of claim 1, wherein the electronic file comprises a markup language file (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises an electronic file that is a “markup language” file, as specified in the cited text).

*Claim 30:*

Merriman discloses the method of claim 29, wherein evaluating the electronic file includes comparing all of the user-viewable data portions of the markup language file with the data pattern of the preference (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises affiliates that include “locator services,” which include search engines that “evaluate electronic files by comparing all user-viewable data portions of the file with the data pattern of the preference;” this is the basic operation of how a search engine works).

*Claim 31:*

Merriman discloses the method of claim 1, wherein evaluating the electronic file includes examining the at least one portion of the electronic file and then comparing the at least one examined portion with the data pattern (see Column 2,

Line 59 through Column 9, Line 16 – as indicated in the above rejection for Claim 30, the referenced invention discloses this limitation).

*Claim 32:*

Merriman fails to disclose a method, wherein evaluating the electronic file includes recognizing a match between the at least one portion of the electronic file and at least one variation of the data pattern.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), wherein evaluating the electronic file includes recognizing a match between the at least one portion of the electronic file and at least one variation of the data pattern (Column 19, Lines 21-32) for the purpose of facilitating a match between the electronic file and the data pattern.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include the step of recognizing a match between the at least one portion of the electronic file and at least one variation of the data pattern for the purpose of facilitating a match between the electronic file and the data pattern, as taught by Rodkin.

*Claim 33:*

Merriman discloses the method of claim 1, wherein the electronic file is presented without modification if the evaluating step did not recognize a match (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention “presents



the electronic file without modification if no match is recognized" as indicated in the cited text).

*Claim 34:*

Merriman fails to disclose a method, wherein modifying the electronic file upon a match includes inserting address information for the computer network resource associated with the matching data pattern into the electronic file.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), wherein modifying the electronic file upon a match includes inserting address information for the computer network resource associated with the matching data pattern into the electronic file (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses "inserting address information for the computer network resource associated with the matching data pattern into the electronic file" in that the "Intelligent Annotator" inserts hyperlinks near the "character strings" that match the corresponding preferences) for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server (Column 3, Lines 60-63) and allowing the updating of links without requiring further processing of the computer file (Column 3, Lines 40-42).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include the step of inserting address information for the computer network resource associated with the matching data pattern into the electronic file for the purposes of automatically providing hypertext anchor codes and destination addresses for a

user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file, as taught by Rodkin.

*Claim 35:*

Merriman fails to disclose a method, wherein the address information is inserted into the file based upon a location of the matching data pattern.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), wherein the address information is inserted into the file based upon a location of the matching data pattern (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses “inserting address information into the file based upon a location of the matching data pattern” in that the “Intelligent Annotator” inserts hyperlinks near the “character strings” that match the corresponding preferences) for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server (Column 3, Lines 60-63) and allowing the updating of links without requiring further processing of the computer file (Column 3, Lines 40-42).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include the step of inserting address information into the file based upon a location of the matching data pattern for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file, as taught by Rodkin.

*Claim 36:*

Merriman fails to disclose a method, wherein modifying the electronic file upon a match includes inserting a hyperlink for the computer network resource associated with the matching data pattern into the electronic file.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), wherein modifying the electronic file upon a match includes inserting a hyperlink for the computer network resource associated with the matching data pattern into the electronic file (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses “modifying the electronic file upon a match by inserting a hyperlink for the computer network resource associated with the matching data pattern into the electronic file” in that the “Intelligent Annotator” inserts hyperlinks near the “character strings” that match the corresponding preferences) for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server (Column 3, Lines 60-63) and allowing the updating of links without requiring further processing of the computer file (Column 3, Lines 40-42).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include the step of modifying the electronic file upon a match by inserting a hyperlink for the computer network resource associated with the matching data pattern into the electronic file for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file, as taught by Rodkin.

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*Claim 37:*

Merriman discloses the method of claim 1, wherein presenting the modified electronic file to the user includes presenting an indication of the link (see Column 2, Line 59 through Column 9, Line 16 – the referenced invention comprises “presenting an indication of the link in the modified electronic file” as indicated in the cited text).

*Claim 38:*

This claim essentially recites the limitations of Claims 1, 11 and 31. Thus, Merriman, in view of Rodkin, discloses and teaches every element of Claim 38 using the same rationale indicated in the above rejections for Claims 1, 11 and 31.

*Claim 39:*

This claim essentially recites the limitations of Claims 1, 11, 31 and 37. Thus, Merriman, in view of Rodkin, discloses and teaches every element of Claim 39 using the same rationale indicated in the above rejections for Claims 1, 11, 31 and 37.

*Claim 50:*

As indicated in the above discussion, Merriman discloses the method of Claim 40.

Merriman fails to disclose a preference, wherein the preference associates a plurality of data patterns with the computer network resource, and the locating step includes locating any of the data patterns in the first data structure.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), comprising a preference, wherein the preference associates a plurality of data patterns with the computer network resource, and the locating step includes locating any of the data patterns in the first data structure (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses a “preference that associates a plurality of data patterns with the computer network resource” in that it searches a requested web page to find “character strings,” upon locating any of those character strings in the affiliate web page, the referenced invention inserts a hyperlink to an advertiser’s web page), for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server (Column 3, Lines 60-63) and allowing the updating of links without requiring further processing of the computer file (Column 3, Lines 40-42).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include a preference, wherein the preference associates a plurality of data patterns with the computer network resource, and the locating step includes locating any of the data patterns in the first data structure, for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file, as taught by Rodkin.

*Claim 53:*

Merriman fails to disclose a first data structure, wherein the first data structure is selected from a group consisting of an applet and a script.

Rodkin teaches a method for providing a link in an electronic file being presented to a user (see Column 1, Lines 7-14), comprising a first data structure that is selected from a group consisting of an applet and a script (see Column 10, Line 66 through Column 24, Line 55 – the referenced invention discloses a “first data structure that is selected from a group consisting of an applet and a script” in that it discloses an affiliate web page that includes scripts), for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file (Column 3, Lines 40-42).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, to include a first data structure, wherein the first data structure is selected from a group consisting of an applet and a script, for the purposes of automatically providing hypertext anchor codes and destination addresses for a user-readable text file at a content server and allowing the updating of links without requiring further processing of the computer file, as taught by Rodkin.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriman et al., U.S. Patent No. 5,948,061, in view of Rodkin et al., U.S. Patent No. 6,092,074, and further in view of Hoyle, U.S. Patent No. 6,628,314.

*Claim 13:*

As indicated in the above discussion, Merriman, in view of Rodkin, discloses and teaches every element of Claim 1.

Merriman, in view of Rodkin, fails to disclose a data pattern that includes a non-viewable data pattern.

Hoyle teaches a method of providing advertising via the Internet (see Column 1, Lines 12-16) comprising the steps of defining a preference that provides an association between a data pattern and a computer network resource, said data pattern including a non-viewable data pattern for the purpose of displaying an advertisement that is associated with a key word of a web page (see Column 16, Lines 3-9).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, in view of Rodkin, to include a data pattern that includes a non-viewable data pattern for the purpose of displaying an advertisement that is associated with a key word of a web page, as taught in Hoyle.

*Claim 14:*

Merriman, in view of Rodkin, fails to disclose a non-viewable data pattern is selected from the group consisting of a metatag, a script and an applet.

Hoyle teaches a method of providing advertising via the Internet (see Column 1, Lines 12-16) comprising the steps of defining a preference that provides an association between a data pattern and a computer network resource, said data pattern including a non-viewable data pattern is selected from the group consisting

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of a metatag, a script and an applet for the purpose of displaying an advertisement that is associated with a key word of a web page (see Column 16, Lines 3-9).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Merriman, in view of Rodkin, to include a non-viewable data pattern is selected from the group consisting of a metatag, a script and an applet for the purpose of displaying an advertisement that is associated with a key word of a web page, as taught in Hoyle.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Lambert et al., U.S. Patent Application Publication No. US 2002/0038350 A1; Lieu et al., U.S. Patent Application Publication No. US 2002/0152126 A1; Hanson et al., U.S. Patent No. 6,507,865; Landsman et al., U.S. Patent No. 6,687,737; and Greening et al., U.S. Patent Application Publication No. US 2001/0013009 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH

March 1, 2004



**HEATHER HERNDON  
SUPERVISORY PATENT EXAMINER  
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